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SEC

SERVICE DATE - MARCH 8, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 32549 (Sub-No. 22)

BURLINGTON NORTHERN INC., AND BURLINGTON NORTHERN RAILROAD
COMPANY — CONTROL AND MERGER — SANTA FE PACIFIC CORPORATION
AND THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY
[PETITION TO REOPEN — ROQUETTE AMERICA, INC.]

Decided: March 7, 2000

On February 15, 2000, Roquette America, Inc. (RAI or petitioner) filed a petition to reopen the decision in Burlington Northern Et Al. — Merger — Santa Fe Pacific Et Al., 10 I.C.C.2d 661 (1995) (BNSF Merger),¹ to remedy an alleged loss of railroad competition at RAI's facilities at Keokuk, IA. In its petition to reopen, RAI contends that a condition imposed by the ICC in BNSF Merger failed adequately to preserve rail competition at Keokuk and that, accordingly, another Class I railroad should be given access to that location.

In a motion also filed on February 15, 2000 (RAI-5), RAI asks the Board to adopt a proposed 230-day procedural schedule. On March 3, 2000, RAI filed a motion (RAI-11) requesting the Board to adopt an amended version of the proposed procedural schedule, which moves all of the dates set forth therein back by 30 days from the original proposed procedural schedule to allow RAI and BNSF adequate time to finalize a settlement agreement or, if settlement efforts are not successful, to continue with the above-docketed proceeding.² Specifically, RAI asks the Board to extend BNSF's time to file its reply to RAI's petition to reopen by 30 days, so that the BNSF reply would be due on April 5, 2000.³ According to RAI, BNSF supports its motion.

In light of the settlement negotiations between RAI and BNSF, the request to extend BNSF's time to file a reply to the RAI's petition to reopen is granted. The Board will address petitioner's

¹ In BNSF Merger, our predecessor agency, the Interstate Commerce Commission (ICC), approved the acquisition of control of Santa Fe Pacific Corporation by Burlington Northern Inc., and the common control and merger of Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company.

² Also, on March 3, 2000, Keokuk Junction Railway Company filed comments to RAI's proposed procedural schedule seeking further expansion of the proposed schedule.

³ Otherwise, pursuant to 49 CFR 1104.13(a), BNSF's reply is due within 20 days of the filing of the petition to reopen (i.e., March 6, 2000).

motion to adopt the proposed procedural schedule, as amended, at a later date if parties are unable to reach a settlement of the matters at issue in this proceeding.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The RAI-11 motion is partially granted; the time to file replies to RAI's petition to reopen is extended by 30 days and replies will be due on April 5, 2000.

2. This decision is effective on the service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary